



**NEW MEXICO  
ENVIRONMENT DEPARTMENT**



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Governor

JOHN A. SANCHEZ  
Lieutenant Governor

BUTCH TONGATE  
Cabinet Secretary

J.C. BORREGO  
Deputy Secretary

**Original via UPS -- Copy via Electronic Mail**

July 11, 2017  
Mr. William K. Honker, Director  
Water Quality Protection Division (6WQ)  
U. S. Environmental Protection Agency  
1445 Ross Avenue, Suite 1200  
Dallas, Texas 75202-2733

**Re: State Certification**

Dear Mr. Honker:

Enclosed, please find the state certification for the following proposed National Pollutant Discharge Elimination System (NPDES) permit:

**NM0027731  
Village of Chama  
Wastewater Treatment Plant**

If any, comments and conditions are enclosed on separate sheets.

U.S. Environmental Protection Agency (USEPA) proposes to regulate discharges under the above-referenced NPDES Individual Permit. A state Water Quality Certification is required by the federal Clean Water Act (CWA) §401 to ensure that the action is consistent with state law (New Mexico Water Quality Act, sections 74-6-1 through 74-6-17, New Mexico Statutes Annotated (NMSA) 1978) and complies with state Water Quality Standards [*State of New Mexico, Standards for Interstate & Intrastate Surface Waters, New Mexico Water Quality Control Commission, 20.6.4 New Mexico Administrative Code (NMAC)*], the Water Quality Management Plan/Continuing Planning Process, including Total Maximum Daily Loads (TMDLs), and the Antidegradation Policy.

Pursuant to State regulations for permit certification (Section 20.6.2.2001 NMAC), USEPA jointly with NMED issued a public notice of the draft permit and announced a public comment period posted on the USEPA web site on May 27, 2017 and NMED web site at <https://www.env.nm.gov/surface-water-quality/public-notices/> on May 27, 2017. The NMED public comment period ended on June 26, 2017. NMED did receive comments during the public comment period and considered them as part of this certification.

**Village of Chama**

**July 11, 2017**

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Sincerely,  
*/S/ Shelly Lemon*

Shelly Lemon, Bureau Chief  
Surface Water Quality Bureau

cc: (w/enclosures)

Ms. Evelyn Rosborough, USEPA (6WQ-NP) via e-mail

Mr. Brent Larsen, USEPA (6WQ-PP) via e-mail

Mayor Ron Russom, Village of Chama, P.O. Box 794 Chama, NM 87520

Mr. Robert Italiano, NMED District 2 Manager via e-mail

Mr. Samuel Coleman, Acting Regional Administrator  
Environmental Protection Agency  
1445 Ross Avenue  
Dallas, TX 75202-2733

07/11/2017

STATE CERTIFICATION

**RE: Village of Chama Wastewater Treatment Plant, NM0027731**

Dear Mr. Coleman:

The New Mexico Environment Department has examined the proposed NPDES permit above. The following conditions are necessary to assure compliance with the applicable provisions of the Clean Water Act Sections 208(e), 301, 302, 303, 306, and 307 and with appropriate requirements of State law. Compliance with the terms and conditions of the permit and this certification will provide reasonable assurance that the permitted activities will be conducted in a manner which will not violate applicable water quality standards and the water quality management plan and will be in compliance with the antidegradation policy.

The State of New Mexico

- ☒ (X) certifies that the discharge will comply with the applicable provisions of Sections 208(e), 301, 302, 303, 306 and 307 of the Clean Water Act and with appropriate requirements of State law
- ☐ ( ) certifies that the discharge will comply with the applicable provisions of Sections 208(e), 301, 302, 303, 306 and 307 of the Clean Water Act and with appropriate requirements of State law upon inclusion of the following conditions in the permit (**see attachments**)
- ☐ ( ) denies certification for the reasons stated in the attachment
- ☐ ( ) waives its right to certify

In order to meet the requirements of State law, including water quality standards and appropriate basin plan as may be amended by the water quality management plan, each of the conditions cited in the draft permit and the State certification shall not be made less stringent.

The Department reserves the right to amend or revoke this certification if such action is necessary to ensure compliance with the State's water quality standards and water quality management plan.

Please contact Sarah Holcomb at (505) 827-2798, if you have any questions concerning this certification. Comments and conditions (if any) pertaining to this draft permit are attached.

Sincerely,  
*/S/ Shelly Lemon*

Shelly Lemon, Chief  
Surface Water Quality Bureau

**Village of Chama**  
**Wastewater Treatment Plant**  
**State Certification of the Proposed NPDES Permit NM00027731**  
**July 11, 2017**  
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**Conditions of Certification**

There are no conditions of certification.

**Comments That Are Not Conditions Of Certification**

**Comment 1.**

The Mayor for the Village of Chama is now the Honorable Ron Russom. NMED suggests the addressee and the signatory authority for this permit be changed from the previous Mayor, Jennifer Gallegos to Mr. Russom.

**Comment 2.**

The permittee requested a change in Part I. Section E – Pollution Prevention Requirements from the allowed 12 months from the permit effective date to 18 months of the permit effective date for compliance. NMED would not object to this change.

**Comment 3.**

The permittee requests a change in Part I. Section B – Schedule of Compliance for Total Nitrogen and Total Phosphorous for the summer season and interim year-round limits of 10 mg/L TN and 1 mg/L TP to the end of this permit cycle.

NMED would support a change in the compliance schedule from 18 months to 3 years from the effective date of the permit for the original seasonal limits as written in the permit.

**Comment 4.**

NMED suggests footnote 8 for Part I. Section A. Table 1. be amended to:  
Total Recoverable Aluminum shall be tested using an EPA approved method, as found in 40CFR 136 Table IB, for the determination of Total Recoverable Metals; and as found in 20.6.4.900.2 The criteria are based on analysis of total recoverable aluminum in a sample that is filtered to minimize mineral phases as specified by the department. The department specifications for filtration can be found at:  
<https://www.env.nm.gov/swqb/SOP/documents/82ChemicalSamplingSOP4-11-2016.pdf>

At this website, find, chemical sampling in lotic environments, Part 6.1.4. addresses total recoverable filtration.

**Comment 5.**

The permit requires in Part II B. 24-hour reporting for the following pollutants: Total Residual Chlorine, Total Aluminum, Ammonia, E. coli bacteria, and TP & TN. While these pollutants are generally considered toxic pollutants or potential human health concerns, NMED understands that TP and TN have a cumulative detrimental effect in the receiving water, different from these other listed pollutants and may not need to be reported within 24 hours the same as the other pollutants. NMED suggests that for TP and TN, 24 hour reported be removed from the permit.

**Comment 6.**

The permit in Part I.B. Schedule of Compliance listed the NMED – SWQB Address with an outdated P.O. Box. The correct P.O. Box is 5469. NMED requests this be corrected.

**End of Comments That Are Not Conditions Of Certification**